An official website of the United States government Here's how you know

stopbullying.gov

Federal Laws

Although no federal law directly addresses bullying, in some cases, bullying overlaps with discriminatory harassment when it is based on race, national origin, color, sex, age, disability, or religion.

When the situation is not adequately resolved, consider:

- Filing a formal grievance with the school district.
- Contacting the U.S. Department of Education's Office for Civil Rights and the U.S. Department of Justice's Civil Rights Division for help.

Unfortunately, sometimes behaviors can become criminal. For example, when a violent crime or threat to commit such crime is motivated by bias against a person or group with specific characteristics, then it is called a hate crime.

Are there federal laws that apply to bullying?

At present, no federal law directly addresses bullying. In some cases, bullying overlaps with discriminatory harassment, which is covered under federal civil rights laws enforced by the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ). No matter what label is used (e.g., bullying, hazing, teasing), schools are obligated by these laws to address the conduct when it meets all three criteria below. It is:

- Unwelcome and objectively offensive, such as derogatory language, intimidation, threats, physical contact, or physical violence;
- Creates a hostile environment at school. That is, it is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school; **and** is
- Based on a student's race, color, national origin, sex, disability, or religion

- Sex includes sexual orientation, sex-based stereotypes, and sexual harassment.
- National origin harassment can include harassment because a student speaks another language.
- DOJ also has jurisdiction to enforce Title IV of the Civil Rights Act of 1964, which addresses certain equal protection violations based on religion in public schools. Title VI of the Civil Rights Act of 1964, enforced by both ED and DOJ, does not explicitly identify religion as a basis for prohibited discrimination. But religious-based harassment is often based on shared ancestry of ethnic characteristics, which is covered under Title VI.

What are the federal civil rights laws ED and DOJ enforce?

The types of discrimination prohibited in schools are the same types of discrimination that federal civil rights laws prohibit. A school that fails to respond appropriately to harassment of students based on a protected class may be violating one or more civil rights laws enforced by the ED and the DOJ, including:

- Title IV and Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Titles II and III of the Americans with Disabilities Act
- Individuals with Disabilities Education Act (IDEA)

What are a school's obligations regarding harassment based on protected classes?

Anyone can report harassing conduct to a school. When a school receives a complaint they must take certain steps to investigate and resolve the situation.

- Take immediate and appropriate action to investigate or otherwise determine what happened.
- Inquiry must be prompt, thorough, and impartial.

- Interview targeted students, students or staff alleged to have engaged in harassment, and witnesses, and maintain written documentation of investigation.
- Communicate with targeted students regarding steps taken to end harassment.
- Check in with targeted students to ensure that harassment has ceased.
- When an investigation reveals that harassment has occurred, a school should take steps reasonably calculated to:
  - End the harassment,
  - Eliminate any hostile environment,
  - Prevent harassment from recurring,
  - As appropriate, remedy the effects of the harassment, and
  - Prevent retaliation against the targeted student(s), complainant(s), or witnesses.

What should a school do to resolve a harassment complaint?

- School must be an active participant in responding to harassment and should take reasonable steps when crafting remedies to minimize burdens on the targeted students.
- Appropriate responses will depend on the facts of each case and may include:
  - Developing, revising, and publicizing:
    - Policy prohibiting harassment and discrimination;
    - Grievance procedure for students to file harassment complaints;
    - Contact information for Title IX coordinators and others responsible for compliance with Section 504 and Title VI
  - Training staff and administration on how to identify, report, and address harassment;
  - Providing monitors or additional adult supervision in areas where harassment occurs;
  - Determining consequences and services for harassers, including whether discipline is appropriate;
  - Limiting interactions between harassers and targets;

  - Providing targeted student an additional opportunity to obtain a benefit that was denied (e.g., retaking a test/class); and
  - Providing services to a student who was denied a benefit (e.g., academic support services).
- Schools don't have to wait until behavior creates a hostile environment to act and may respond to misconduct based on a protected class as soon as they learn of it.

Are there resources for schools to assist with resolving harassment complaints?

DOJ's Community Relations Service is a "peacemaker" for community conflicts and tensions arising from differences of race, color, and national origin and to prevent and respond to violent hate crimes committed on the basis of: sex, sexual orientation, religion, disability, race, color, and national origin.

Date Last Reviewed: February 3, 2025

Was this page helpful?

Yes
No

Form Approved OMB# 0990-0379 Exp. Date 10/31/2026